

110TH CONGRESS
1ST SESSION

S. 1778

To authorize certain activities of the Maritime Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2007

Mr. LAUTENBERG (for himself, Mr. SMITH, and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize certain activities of the Maritime Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Maritime Administration Authorities Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MARITIME ADMINISTRATION

Sec. 101. Authorization of appropriations for fiscal year 2008.

Sec. 102. Commercial vessel chartering authority.

- Sec. 103. Maritime Administration vessel chartering authority.
- Sec. 104. Chartering to state and local governmental instrumentalities.
- Sec. 105. Disposal of obsolete government vessels.
- Sec. 106. Vessel transfer authority.
- Sec. 107. Sea trials for ready reserve force.

TITLE II—TECHNICAL CORRECTIONS

- Sec. 201. Statutory construction.
- Sec. 202. Personal injury to or death of seamen.
- Sec. 203. Amendments to chapter 537 based on Public Law 109–163.
- Sec. 204. Additional amendments based on Public Law 109–163.
- Sec. 205. Amendments based on Public Law 109–171.
- Sec. 206. Amendments based on Public Law 109–241.
- Sec. 207. Amendments based on Public Law 109–364.
- Sec. 208. Miscellaneous amendments.
- Sec. 209. Application of sunset provision to codified provision.
- Sec. 210. Additional Technical corrections.

TITLE I—MARITIME ADMINISTRATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FIS- CAL YEAR 2008.

Funds are hereby authorized to be appropriated for fiscal year 2008, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$122,890,545.

(2) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), \$19,500,000.

(3) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, \$20,000,000.

1 (4) For expenses to dispose of obsolete vessels
 2 in the National Defense Reserve Fleet, including
 3 provision of assistance under section 7 of Public
 4 Law 92–402, \$18,000,000.

5 (5) For the cost (as defined in section 502(5)
 6 of the Federal Credit Reform Act of 1990 (2 U.S.C.
 7 661a(5))) of loan guarantees under the program au-
 8 thorized by chapter 537 of title 46, United States
 9 Code, \$20,000,000.

10 (6) For administrative expenses related to the
 11 implementation of the loan guarantee program
 12 under chapter 537 of title 46, United States Code,
 13 administrative expenses related to implementation of
 14 the reimbursement program under section 3517 of
 15 the Maritime Security Act of 2003 (46 U.S.C.
 16 53101 note), and administrative expenses related to
 17 the implementation of the small shipyards and mari-
 18 time communities assistance program under section
 19 54101 of title 46, United States Code, \$3,408,000.

20 **SEC. 102. COMMERCIAL VESSEL CHARTERING AUTHORITY.**

21 (a) IN GENERAL.—Subchapter III of chapter 575 of
 22 title 46, United States Code, is amended by adding at the
 23 end the following:

1 **“§ 57533. Vessel chartering authority**

2 “The Secretary of Transportation may enter into
3 contracts or other agreements on behalf of the United
4 States to purchase, charter, operate, or otherwise acquire
5 the use of any vessels and any other related real or per-
6 sonal property. The Secretary is authorized to use this au-
7 thority as the Secretary deems appropriate.”.

8 (b) CONFORMING AMENDMENT.—The chapter anal-
9 ysis for chapter 575 of such title is amended by adding
10 at the end the following:

“57533. Vessel chartering authority.”.

11 **SEC. 103. MARITIME ADMINISTRATION VESSEL CHAR-**
12 **TERING AUTHORITY.**

13 Section 50303 of title 46, United States Code, is
14 amended by—

- 15 (1) inserting “vessels,” after “piers,”; and
16 (2) by striking “control;” in subsection (a)(1)
17 and inserting “control, except that the prior consent
18 of the Secretary of Defense for such use shall be re-
19 quired with respect to any vessel in the Ready Re-
20 serve Force or in the National Defense Reserve
21 Fleet which is maintained in a retention status for
22 the Department of Defense;”.

1 **SEC. 104. CHARTERING TO STATE AND LOCAL GOVERN-**
2 **MENTAL INSTRUMENTALITIES.**

3 Section 11(b) of the Merchant Ship Sales Act of 1946
4 (50 U.S.C. App. 1744(b)), is amended—

5 (1) by striking “or” after the semicolon in
6 paragraph (3);

7 (2) by striking “Defense.” in paragraph (4) and
8 inserting “Defense; or”; and

9 (3) by adding at the end thereof the following:

10 “(5) on a reimbursable basis, for charter to the
11 government of any State, locality, or Territory of the
12 United States, except that the prior consent of the
13 Secretary of Defense for such use shall be required
14 with respect to any vessel in the Ready Reserve
15 Force or in the National Defense Reserve Fleet
16 which is maintained in a retention status for the De-
17 partment of Defense.”.

18 **SEC. 105. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.**

19 Section 6(c)(1) of the National Maritime Heritage
20 Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

21 (1) by inserting “(either by sale or purchase of
22 disposal services)” after “shall dispose”; and

23 (2) by striking subparagraph (A) of paragraph
24 (1) and inserting the following:

25 “(A) in accordance with a priority system
26 for disposing of vessels, as determined by the

1 Secretary, which shall include provisions requir-
2 ing the Maritime Administration to—

3 “(i) dispose of all deteriorated high
4 priority ships that are available for dis-
5 posal, within 12 months of their designa-
6 tion as such; and

7 “(ii) give priority to the disposition of
8 those vessels that pose the most significant
9 danger to the environment or cost the most
10 to maintain.”.

11 **SEC. 106. VESSEL TRANSFER AUTHORITY.**

12 Section 50304 of title 46, United States Code, is
13 amended by adding at the end thereof the following:

14 “(d) VESSEL CHARTERS TO OTHER DEPART-
15 MENTS.—On a reimbursable or non- reimbursable basis,
16 as determined by the Secretary of Transportation, the
17 Secretary may charter or otherwise make available a vessel
18 under the jurisdiction of the Secretary to any other de-
19 partment, upon the request by the Secretary of the depart-
20 ment that receives the vessel. The prior consent of the Sec-
21 retary of Defense for such use shall be required with re-
22 spect to any vessel in the Ready Reserve Force or in the
23 National Defense Reserve Fleet which is maintained in a
24 retention status for the Department of Defense.”.

1 **SEC. 107. SEA TRIALS FOR READY RESERVE FORCE.**

2 Section 11(c)(1)(B) of the Merchant Ship Sales Act
3 of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to
4 read as follows:

5 “(B) activate and conduct sea trials on
6 each vessel at least once every 30 months;”.

7 **TITLE II—TECHNICAL**
8 **CORRECTIONS**

9 **SEC. 201. STATUTORY CONSTRUCTION.**

10 The amendments made by this title make no sub-
11 stantive change in existing law and may not be construed
12 as making a substantive change in existing law.

13 **SEC. 202. PERSONAL INJURY TO OR DEATH OF SEAMEN.**

14 (a) AMENDMENT.—Section 30104 of title 46, United
15 States Code, is amended by striking subsections (a) and
16 (b) and inserting the following:

17 “(a) CAUSE OF ACTION.—A seaman injured in the
18 course of employment or, if the seaman dies from the in-
19 jury, the personal representative of the seaman may bring
20 an action against the employer. In such an action, the laws
21 of the United States regulating recovery for personal in-
22 jury to, or death of, a railway employee shall apply. Such
23 an action may be maintained in admiralty or, at the plain-
24 tiff’s election, as an action at law, with the right of trial
25 by jury.

1 “(b) VENUE.—When the plaintiff elects to maintain
 2 an action at law, venue shall be in the judicial district in
 3 which the employer resides or the employer’s principal of-
 4 fice is located.”.

5 (b) EFFECTIVE DATE.—The amendment made by
 6 subsection (a) shall be effective as if included in the enact-
 7 ment of Public Law 109–304.

8 **SEC. 203. AMENDMENTS TO CHAPTER 537 BASED ON PUB-**
 9 **LIC LAW 109–163.**

10 (a) AMENDMENTS.—Title 46, United States Code, is
 11 amended as follows:

12 (1) Section 53701 is amended by—

13 (A) redesignating paragraphs (2) through
 14 (13) as paragraphs (3) through (14), respec-
 15 tively;

16 (B) inserting after paragraph (1) the fol-
 17 lowing:

18 “(2) ADMINISTRATOR.—The term ‘Adminis-
 19 trator’ means the Administrator of the Maritime Ad-
 20 ministration.”; and

21 (C) striking paragraph (13) (as redesign-
 22 nated) and inserting the following:

23 “(13) SECRETARY.—The term ‘Secretary’
 24 means the Secretary of Commerce with respect to
 25 fishing vessels and fishery facilities.”.

1 (2) Section 53706(c) is amended to read as fol-
2 lows:

3 “(c) PRIORITIES FOR CERTAIN VESSELS.—

4 “(1) VESSELS.—In guaranteeing or making a
5 commitment to guarantee an obligation under this
6 chapter, the Administrator shall give priority to—

7 “(A) a vessel that is otherwise eligible for
8 a guarantee and is constructed with assistance
9 under subtitle D of the Maritime Security Act
10 of 2003 (46 U.S.C. 53101 note); and

11 “(B) after applying subparagraph (A), a
12 vessel that is otherwise eligible for a guarantee
13 and that the Secretary of Defense determines—

14 “(i) is suitable for service as a naval
15 auxiliary in time of war or national emer-
16 gency; and

17 “(ii) meets a shortfall in sealift capac-
18 ity or capability.

19 “(2) TIME FOR DETERMINATION.—The Sec-
20 retary of Defense shall determine whether a vessel
21 satisfies paragraph (1)(B) not later than 30 days
22 after receipt of a request from the Administrator for
23 such a determination.”.

24 (3) Section 53707 is amended—

1 (A) by inserting “or Administrator” in
 2 subsections (a) and (d) after “Secretary” each
 3 place it appears;

4 (B) by striking “Secretary of Transpor-
 5 tation” in subsection (b) and inserting “Admin-
 6 istrator”;

7 (C) by striking “of Commerce” in sub-
 8 section (c); and

9 (D) in subsection (d)(2), by—

10 (i) inserting “if the Secretary or Ad-
 11 ministrator considers necessary,” before
 12 “the waiver”; and

13 (ii) striking “the increased” and in-
 14 serting “any significant increase in”.

15 (4) Section 53708 is amended—

16 (A) by striking “SECRETARY OF TRANS-
 17 PORTATION” in the heading of subsection (a)
 18 and inserting “ADMINISTRATOR”;

19 (B) by striking “Secretary” and “Sec-
 20 retary of Transportation” each place they ap-
 21 pear in subsection (a) and inserting “Adminis-
 22 trator”;

23 (C) by striking “OF COMMERCE” in the
 24 heading of subsection (b);

1 (D) by striking “of Commerce” in sub-
2 sections (b) and (c);

3 (E) in subsection (d), by—

4 (i) inserting “or Administrator” after
5 “Secretary” the first place it appears; and

6 (ii) striking “financial structures, or
7 other risk factors identified by the Sec-
8 retary. Any independent analysis con-
9 ducted under this subsection shall be per-
10 formed by a party chosen by the Sec-
11 retary.” and inserting “or financial struc-
12 tures. A third party independent analysis
13 conducted under this subsection shall be
14 performed by a private sector expert in as-
15 sessing such risk factors who is selected by
16 the Secretary or Administrator.”; and

17 (F) in subsection (e), by—

18 (i) inserting “or Administrator” after
19 “Secretary” the first place it appears; and

20 (ii) striking “financial structures, or
21 other risk factors identified by the Sec-
22 retary” and inserting “or financial struc-
23 tures”.

24 (5) Section 53710(b)(1) is amended by striking
25 “Secretary’s” and inserting “Administrator’s”.

1 (6) Section 53712(b) is amended by striking
2 the last sentence and inserting “If the Secretary or
3 Administrator has waived a requirement under sec-
4 tion 53707(d) of this title, the loan agreement shall
5 include requirements for additional payments, collat-
6 eral, or equity contributions to meet the waived re-
7 quirement upon the occurrence of verifiable condi-
8 tions indicating that the obligor’s financial condition
9 enables the obligor to meet the waived require-
10 ment.”.

11 (7) Subsections (c) and (d) of section 53717
12 are each amended—

13 (A) by striking “OF COMMERCE” in the
14 subsection heading; and

15 (B) by striking “of Commerce” each place
16 it appears.

17 (8) Section 53732(e)(2) is amended by insert-
18 ing “of Defense” after “Secretary” the second place
19 it appears.

20 (9) The following provisions are amended by
21 striking “Secretary” and “Secretary of Transpor-
22 tation” and inserting “Administrator”:

23 (A) Section 53710(b)(2)(A)(i).

24 (B) Section 53717(b) each place it appears
25 in a heading and in text.

1 (C) Section 53718.

2 (D) Section 53731 each place it appears,
3 except where “Secretary” is followed by “of En-
4 ergy”.

5 (E) Section 53732 (as amended by para-
6 graph (8)) each place it appears, except where
7 “Secretary” is followed by “of the Treasury”,
8 “of State”, or “of Defense”.

9 (F) Section 53733 each place it appears.

10 (10) The following provisions are amended by
11 inserting “or Administrator” after “Secretary” each
12 place it appears in headings and text, except where
13 “Secretary” is followed by “of Transportation” or
14 “of the Treasury”:

15 (A) The items relating to sections 53722
16 and 53723 in the chapter analysis for chapter
17 537.

18 (B) Sections 53701(1), (4), and (9) (as re-
19 designated by paragraph (1)(A)), 53702(a),
20 53703, 53704, 53706(a)(3)(B)(iii),
21 53709(a)(1), (b)(1) and (2)(A), and (d),
22 53710(a) and (c), 53711, 53712 (except in the
23 last sentence of subsection (b) as amended by
24 paragraph (6)), 53713 to 53716, 53721 to
25 53725, and 53734.

1 (11) Sections 53715(d)(1), 53716(d)(3),
 2 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b)
 3 are amended by inserting “or Administrator’s” after
 4 “Secretary’s”.

5 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
 6 tion 3507 (except subsection (c)(4)) of the National De-
 7 fense Authorization Act for Fiscal Year 2006 (Public Law
 8 109–163) is repealed.

9 **SEC. 204. ADDITIONAL AMENDMENTS BASED ON PUBLIC**
 10 **LAW 109–163.**

11 (a) AMENDMENTS.—Title 46, United States Code, is
 12 amended as follows:

13 (1) Chapters 513 and 515 are amended by
 14 striking “Naval Reserve” each place it appears in
 15 analyses, headings, and text and inserting “Navy
 16 Reserve”.

17 (2) Section 51504(f) is amended to read as fol-
 18 lows:

19 “(f) FUEL COSTS.—

20 “(1) IN GENERAL.—Subject to the availability
 21 of appropriations, the Secretary shall pay to each
 22 State maritime academy the costs of fuel used by a
 23 vessel provided under this section while used for
 24 training.

1 “(2) MAXIMUM AMOUNTS.—The amount of the
2 payment to a State maritime academy under para-
3 graph (1) may not exceed—

4 “(A) \$100,000 for fiscal year 2006;

5 “(B) \$200,000 for fiscal year 2007; and

6 “(C) \$300,000 for fiscal year 2008 and
7 each fiscal year thereafter.”.

8 (3) Section 51505(b)(2)(B) is amended by
9 striking “\$200,000” and inserting “\$300,000 for
10 fiscal year 2006, \$400,000 for fiscal year 2007, and
11 \$500,000 for fiscal year 2008 and each fiscal year
12 thereafter”.

13 (4) Section 51701(a) is amended by striking
14 “of the United States.” and inserting “of the United
15 States and to perform functions to assist the United
16 States merchant marine, as determined necessary by
17 the Secretary.”.

18 (5)(A) Section 51907 is amended to read as fol-
19 lows:

20 **“§ 51907. Provision of decorations, medals, and re-**
21 **placements**

22 “The Secretary of Transportation may provide—

23 “(1) the decorations and medals authorized by
24 this chapter and replacements for those decorations
25 and medals; and

1 “(2) replacements for decorations and medals
2 issued under a prior law.”.

3 (B) The item relating to section 51907 in the
4 chapter analysis for chapter 519 is amended to read
5 as follows:

“51907. Provision of decorations, medals, and replacements.”.

6 (6)(A) The following new chapter is inserted
7 after chapter 539:

8 **“CHAPTER 541—MISCELLANEOUS**

“Sec.

“54101. Assistance for small shipyards and maritime communities.”.

9 (B) Section 3506 of the National Defense Au-
10 thorization Act for Fiscal Year 2006 (46 U.S.C.
11 53101 note) is transferred to and redesignated as
12 section 54101 of title 46, United States Code, to ap-
13 pear at the end of chapter 541 of title 46, as in-
14 serted by subparagraph (A).

15 (C) The heading of such section, as transferred
16 by subparagraph (B), is amended to read as follows:

17 **“§ 54101. Assistance for small shipyards and maritime**
18 **communities”.**

19 (D) The table of chapters at the beginning of
20 subtitle V is amended by inserting after the item re-
21 lating to chapter 539 the following new item:

“541. Miscellaneous 54101”.

1 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
2 tions 515(g)(2), 3502, 3509, and 3510 of the National
3 Defense Authorization Act for Fiscal Year 2006 (Public
4 Law 109–163) are repealed.

5 **SEC. 205. AMENDMENTS BASED ON PUBLIC LAW 109–171.**

6 (a) AMENDMENTS.—Section 60301 of title 46,
7 United States Code, is amended—

8 (1) by striking “2 cents per ton (but not more
9 than a total of 10 cents per ton per year)” in sub-
10 section (a) and inserting “4.5 cents per ton, not to
11 exceed a total of 22.5 cents per ton per year, for fis-
12 cal years 2006 through 2010, and 2 cents per ton,
13 not to exceed a total of 10 cents per ton per year,
14 for each fiscal year thereafter,”; and

15 (2) by striking “6 cents per ton (but not more
16 than a total of 30 cents per ton per year)” in sub-
17 section (b) and inserting “13.5 cents per ton, not to
18 exceed a total of 67.5 cents per ton per year, for fis-
19 cal years 2006 through 2010, and 6 cents per ton,
20 not to exceed a total of 30 cents per ton per year,
21 for each fiscal year thereafter,”.

22 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
23 tion 4001 of the Deficit Reduction Act of 2005 (Public
24 Law 109–171) is repealed.

1 **SEC. 206. AMENDMENTS BASED ON PUBLIC LAW 109-241.**

2 (a) AMENDMENTS.—Title 46, United States Code, is
3 amended as follows:

4 (1) Section 12111 is amended by adding at the
5 end the following:

6 “(d) ACTIVITIES INVOLVING MOBILE OFFSHORE
7 DRILLING UNITS.—

8 “(1) IN GENERAL.—Only a vessel for which a
9 certificate of documentation with a registry endorse-
10 ment is issued may engage in—

11 “(A) the setting, relocation, or recovery of
12 the anchors or other mooring equipment of a
13 mobile offshore drilling unit that is located over
14 the outer Continental Shelf (as defined in sec-
15 tion 2(a) of the Outer Continental Shelf Lands
16 Act (43 U.S.C. 1331(a))); or

17 “(B) the transportation of merchandise or
18 personnel to or from a point in the United
19 States from or to a mobile offshore drilling unit
20 located over the outer Continental Shelf that is
21 not attached to the seabed.

22 “(2) COASTWISE TRADE NOT AUTHORIZED.—
23 Nothing in paragraph (1) authorizes the employment
24 in the coastwise trade of a vessel that does not meet
25 the requirements of section 12112 of this title.”.

1 (2) Section 12139(a) is amended by striking
2 “and charterers” and inserting “charterers, and
3 mortgagees”.

4 (3) Section 51307 is amended—

5 (A) by striking “and” at the end of para-
6 graph (2);

7 (B) by striking “organizations.” in para-
8 graph (3) and inserting “organizations; and”;
9 and

10 (C) by adding at the end the following:

11 “(4) on any other vessel considered by the Sec-
12 retary to be necessary or appropriate or in the na-
13 tional interest.”.

14 (4) Section 55105(b)(3) is amended by striking
15 “Secretary of the department in which the Coast
16 Guard is operating” and inserting “Secretary of
17 Homeland Security”.

18 (5) Section 70306(a) is amended by striking
19 “Not later than February 28 of each year, the Sec-
20 retary shall submit a report” and inserting “The
21 Secretary shall submit an annual report”.

22 (6) Section 70502(d)(2) is amended to read as
23 follows:

24 “(2) RESPONSE TO CLAIM OF REGISTRY.—The
25 response of a foreign nation to a claim of registry

1 under paragraph (1)(A) or (C) may be made by
 2 radio, telephone, or similar oral or electronic means,
 3 and is proved conclusively by certification of the Sec-
 4 retary of State or the Secretary's designee.”.

5 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
 6 tions 303, 307, 308, 310, 901(q), and 902(o) of the Coast
 7 Guard and Maritime Transportation Act of 2006 (Public
 8 Law 109–241) are repealed.

9 **SEC. 207. AMENDMENTS BASED ON PUBLIC LAW 109–364.**

10 (a) UPDATING OF CROSS REFERENCES.—Section
 11 1017(b)(2) of the John Warner National Defense Author-
 12 ization Act for Fiscal Year 2007 (Public Law 109–364,
 13 10 U.S.C. 2631 note) is amended by striking “section 27
 14 of the Merchant Marine Act, 1920 (46 U.S.C. 883), sec-
 15 tion 12106 of title 46, United States Code, and section
 16 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)” and
 17 inserting “sections 12112, 50501, and 55102 of title 46,
 18 United States Code”.

19 (b) SECTION 51306(e).—

20 (1) IN GENERAL.—Section 51306 of title 46,
 21 United States Code, is amended by adding at the
 22 end the following:

23 “(e) ALTERNATIVE SERVICE.—

24 “(1) SERVICE AS COMMISSIONED OFFICER.—An
 25 individual who, for the 5-year period following grad-

uation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

“(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.”.

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

“(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

“(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a

1 of title 5, the Secretary of Defense, the Secretary of
2 the department in which the Coast Guard is oper-
3 ating, the Administrator of the National Oceanic
4 and Atmospheric Administration, and the Surgeon
5 General of the Public Health Service—

6 “(A) shall report the status of obligated
7 service of an individual graduate of the Acad-
8 emy upon request of the Secretary; and

9 “(B) may, in their discretion, notify the
10 Secretary of any failure of the graduate to per-
11 form the graduate’s duties, either on active
12 duty or in the Ready Reserve component of
13 their respective service, or as a commissioned
14 officer of the National Oceanic and Atmos-
15 pheric Administration or the Public Health
16 Service, respectively.

17 “(2) INFORMATION TO BE PROVIDED.—A re-
18 port or notice under subparagraph (A) shall identify
19 any graduate determined to have failed to comply
20 with service obligation requirements and provide all
21 required information as to why such graduate failed
22 to comply.

23 “(3) CONSIDERED AS IN DEFAULT.—Upon re-
24 ceipt of such a report or notice, such graduate may
25 be considered to be in default of the graduate’s serv-

1 ice obligations by the Secretary, and subject to all
 2 remedies the Secretary may have with respect to
 3 such a default.”.

4 (2) APPLICATION.—Section 51306(f) of title
 5 46, United States Code, as added by paragraph (1),
 6 does not apply with respect to an agreement entered
 7 into under section 51306(a) of title 46, United
 8 States Code, before October 17, 2006.

9 (d) SECTION 51509(c).—Section 51509(c) of title 46,
 10 United States Code, is amended—

11 (1) by striking “MIDSHIPMAN AND” in the sub-
 12 section heading and “midshipman and” in the text;
 13 and

14 (2) inserting “or the Coast Guard Reserve”
 15 after “Reserve)”.

16 (e) SECTION 51908(a).—Section 51908(a) of title 46,
 17 United States Code, is amended by striking “under this
 18 chapter” and inserting “by this chapter or the Secretary
 19 of Transportation”.

20 (f) SECTION 53105(e)(2).—Section 53105(e)(2) of
 21 title 46, United States Code, is amended by striking “sec-
 22 tion 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),”
 23 and inserting “section 50501 of this title”.

24 (g) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
 25 tions 3505, 3506, 3508, and 3510(a) and (b) of the John

1 Warner National Defense Authorization Act for Fiscal
2 Year 2007 (Public Law 109–364) are repealed.

3 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

4 (a) DELETION OF OBSOLETE REFERENCE TO CAN-
5 TON ISLAND.—Section 55101(b) of title 46, United States
6 Code, is amended—

7 (1) by inserting “or” after the semicolon at the
8 end of paragraph (2);

9 (2) by striking paragraph (3); and

10 (3) by redesignating paragraph (4) as para-
11 graph (3).

12 (b) IMPROVEMENT OF HEADING.—Title 46, United
13 States Code, is amended as follows:

14 (1) The heading of section 55110 is amended
15 by inserting “**valueless material or**” before
16 “**dredged material**”.

17 (2) The item for section 55110 in the analysis
18 for chapter 551 is amended by inserting “valueless
19 material or” before “dredged material”.

20 **SEC. 209. APPLICATION OF SUNSET PROVISION TO CODI-**
21 **FIED PROVISION.**

22 For purposes of section 303 of the Jobs and Growth
23 Tax Relief Reconciliation Act of 2003 (Public Law 108–
24 27, 26 U.S.C. 1 note), the amendment made by section
25 301(a)(2)(E) of that Act shall be deemed to have been

1 made to section 53511(f)(2) of title 46, United States
2 Code.

3 **SEC. 210. ADDITIONAL TECHNICAL CORRECTIONS.**

4 (a) AMENDMENTS TO TITLE 46.—Title 46, United
5 States Code, is amended as follows:

6 (1) The analysis for chapter 21 is amended by
7 striking the item relating to section 2108.

8 (2) Section 12113(g) is amended by inserting
9 “and” after “Conservation”.

10 (3) Section 12131 is amended by striking
11 “commmand” and inserting “command”.

12 (b) AMENDMENTS TO PUBLIC LAW 109–304.—

13 (1) AMENDMENTS.—Public Law 109–304 is
14 amended as follows:

15 (A) Section 15(10) is amended by striking
16 “46 App. U.S.C.” and inserting “46 U.S.C.
17 App.”.

18 (B) Section 15(30) is amended by striking
19 “Shipping Act, 1936” and inserting “Shipping
20 Act, 1916”.

21 (C) The schedule of Statutes at Large re-
22 pealed in section 19, as it relates to the Act of
23 June 29, 1936, is amended by—

1 (i) striking the second section “1111”
 2 (relating to 46 U.S.C. App. 1279f) and in-
 3 serting section “1113”; and

4 (ii) striking the second section “1112”
 5 (relating to 46 U.S.C. App. 1279g) and in-
 6 serting section “1114”.

7 (2) EFFECTIVE DATE.—The amendments made
 8 by paragraph (1) shall be effective as if included in
 9 the enactment of Public Law 109–304.

10 (c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE
 11 AMENDMENTS.—

12 (1) REPEAL.—Sections 9(a), 15(21) and
 13 (33)(A) through (D)(i), and 16(c)(2) of Public Law
 14 109–304 are repealed.

15 (2) INTENDED EFFECT.—The provisions re-
 16 pealed by paragraph (1) shall be treated as if never
 17 enacted.

18 (d) LARGE PASSENGER VESSEL CREW REQUIRE-
 19 MENTS.—Section 8103(k)(3)(C)(iv) of title 46, United
 20 States Code, is amended by inserting “and section 252
 21 of the Immigration and Nationality Act (8 U.S.C. 1282)”
 22 after “of such section”.

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